

Applicants: Kenneth H. Rosen et al.

Serial No.: 10/055,104

Filing Date: January 23, 2002

Docket No.: 1209-2 RCE

Page 10

### **REMARKS**

Claims 1, 2, 6, 8, 13, 15, 17, 32, 34, 40 have been amended. Reconsideration is respectfully requested.

Claims 1, 12, and 44-46 of the present application stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,185,426 to Alperovich et al. (hereinafter "Alperovich"). This determination is respectfully traversed.

Claim 1 of the present invention recites a method of selectively transferring location information of a wireless calling party to a called party. The method includes a method of selectively transferring location information of a wireless calling party to a called party, comprising establishing predetermined parameters for the transfer of location information associated with said wireless calling party, receiving a telephone call at a telecommunications network from said wireless calling party comprising at least call information and location information, retrieving said predetermined parameters for the transfer of location information associated with said wireless calling party-and transmitting said call information and said location information in accordance with said predetermined parameters for the transfer of location information of said wireless calling party to the called party.

A significant aspect of the invention claimed in claim 1 is that a system only transmits location information in accordance with predetermined parameters for the transfer of location information associated with said wireless calling party provided by the wireless calling party.

The Examiner contends that Alperovich anticipates claim 1. The Examiner submits that, with respect to the limitation of transmitting selective location information to the wireless calling party, the "abstract teaches sending the calling party's location to the called party and Figures 1-

Applicants: Kenneth H. Rosen et al.

Serial No.: 10/055,104

Filing Date: January 23, 2002

Docket No.: 1209-2 RCE

Page 11

3 show the network which retrieves information and decides to send the location information.” Notwithstanding the Examiner’s contention, it is respectfully submitted that neither the abstract of Alperovich nor the drawings of Figures 1-3 show Applicant’s claimed features including retrieving service information associated with the calling party, where the service information includes predetermined parameters for the transfer of location information associated with said wireless calling party regarding selectively transferring location information and transmitting that location information to the called party.

The abstract of Alperovich which is solely relied upon by the Examiner for his anticipation rejection recites as follows:

A telecommunications system, and method for providing a called party with the location of the calling party. When a call is received by a switch serving the calling party, the location of the calling party is determined, which is then transmitted to the called party.

It is noted that nowhere in the abstract is there any discussion of establishing predetermined parameters for the transfer of location information associated with said wireless calling party and selectively transmitting said location information based on predetermined parameters provided to the telecommunications network. Alperovich is limited simply to providing location information to the called party. Moreover, nothing in Figures 1-3 of Alperovich provides any additional information regarding establishing predetermined parameters or selectively transmitting location information to the called party.

The Examiner is well aware that with respect to method claims, anticipation requires identity between the claimed process and the process of the prior art. The claimed process, including each step thereof, must be described either expressly or inherently in a single reference. *Glaverbel Society Anonyme v. Northlake Marketing & Supply Inc.*, 45 F.3d 1550, 33 U.S.P.Q. 2d 1496 (Fed. Cir. 1995). In relying on Alperovich, the Examiner has failed to find

Applicants: Kenneth H. Rosen et al.

Serial No.: 10/055,104

Filing Date: January 23, 2002

Docket No.: 1209-2 RCE

Page 12

either in the abstract which the Examiner refers to or anywhere else in the reference, the steps of the presently claimed invention which includes retrieving service information including instructions regarding the selective transfer of location information and transmitting the selective location information to the called party. Failing to expressly or inherently disclose such limitations, Alperovich, as a matter of law, cannot be anticipatory of claim 1 of the present invention. Thus, it is respectfully submitted that claim 1, as well as claims 12, and 44-46 which depend therefrom are patentably distinct over Alperovich.

Claims 2-5, 8, 11, 13-19, 22, and 25-41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich further in view of U.S. Patent No. 6,442,391 to Johansson et al. (hereinafter "Johansson") and U.S. Patent No. 6,662,014 to Walsh and U.S. Patent No. 6,675,071 to Zellner et al. (hereinafter "Zellner 1") or U.S. Patent No. 7,085,555 to Zellner et al. (hereinafter "Zellner 2"). This determination is respectfully traversed.

With respect to claims 2 and 41, the Examiner contends that "Alperovich teaches a method of transferring selective location information of a wireless calling party to a called party comprising receiving a string of numbers from the wireless calling party whereby the string of numbers is inclusive of the parties telephone number." Furthermore, the Examiner acknowledges that Alperovich is silent on wherein the service information instructions included preventing disclosing of the locatin information of the wireless calling party.

The Examiner summarizes each of the secondary references as follows. Johansson teaches location security (abstract). Walsh teaches a location privacy manager (abstract). Zellner 1 or Zellner 2 teach two different manners in which location blocking services prohibits the user's location from being transmitted to others (abstract). The Examiner then concludes it

Applicants: Kenneth H. Rosen et al.

Serial No.: 10/055,104

Filing Date: January 23, 2002

Docket No.: 1209-2 RCE

Page 13

would be obvious to one skilled in the art at the time the invention was made to modify Alperovich such that a code is sent that activates location blocking.

The deficiencies of the Alperovich reference are discussed above. Alperovich fails to provide show Applicant's claimed features including retrieving service information associated with the calling party, where the service information includes predetermined parameters for the transfer of location information associated with said wireless calling party regarding selectively transferring location information and transmitting that location information to the called party which is recited in each of amended independent claims 1, 17, 32 and 40. Moreover, the Examiner acknowledges that Alperovich is also silent on retrieving a code among a string of numbers received which is also recited in amended independent claims 1, 17, 32 and 40.

In the Examiner's citation to the secondary references, the Examiner relies on the abstracts thereof. None of the abstracts of the secondary references disclose Applicant's claimed features including retrieving service information associated with the calling party, where the service information includes predetermined parameters for the transfer of location information associated with said wireless calling party regarding selectively transferring location information and transmitting that location information to the called party.

While secondary references may each describe some limitations on the information which is transmitted to the called party, none of the abstracts disclose how the selectivity of the information is achieved. Thus, a combination of Alperovich with any or all of the secondary references still fails to disclose teach or suggest the invention set forth in amended independent claims 1, 17, 32 and 40.

Applicants: Kenneth H. Rosen et al.

Serial No.: 10/055,104

Filing Date: January 23, 2002

Docket No.: 1209-2 RCE

Page 14

Moreover, one skilled in the art would not find the claimed invention to be obvious in view of the cited combination noting the deficiencies thereof. The five references cited by the Examiner, even in combination, fail to meet the limitations recited in independent claims 17, 32 and 40. The Examiner is engaging in impermissible hindsight reconstruction to support his conclusion that the claim limitations, not found in the cited combination, would be obvious one skilled in the art. *Loctite v. Ultraseal Ltd.* 781 F.2d 861, 228 U.S.P.Q. 90 (Fed. Cir. 1985). There is no teaching or suggestion in any of the references cited by the Examiner to provide for the selected transfer of information where instructions are received from a code among a string of numbers received from the calling party. Failing to find such suggestion, the claims of the present invention are believed to be patentably distinct over the cited combination.

Having responded in full to each rejection of the independent claims, it is respectfully submitted that the claims of the present application are patentably distinct over the cited references taken alone or in combination. Therefore, the application is deemed to be in condition for allowance. Favorable action is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 20-0776. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Applicants: Kenneth H. Rosen et al.  
Serial No.: 10/055,104  
Filing Date: January 23, 2002  
Docket No.: 1209-2 RCE  
Page 15

Should the Examiner have any questions regarding this response, the undersigned would be pleased to address them by telephone.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Stephen Cannavale', written over a horizontal line.

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